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## If You Build It, They Will Come: What Students Say About Experiential Learning

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# IF YOU BUILD IT, THEY WILL COME: WHAT STUDENTS SAY ABOUT EXPERIENTIAL LEARNING

*David I. C. Thomson\* & Stephen Daniels\*\**

INTRODUCTION .....	203	R
I. CONTEXT .....	207	R
II. DENVER LAW SURVEYS AND RESPONDENTS .....	211	R
III. 1LS: CHOOSING DENVER LAW .....	214	R
A. <i>Background</i> .....	214	R
B. <i>The 1L Surveys: By the Numbers</i> .....	217	R
C. <i>The 1L Surveys: In Their Own Words</i> .....	223	R
IV. 3/4LS: LOOKING BACK .....	227	R
A. <i>In Retrospect – Why Did They Attend Denver Law?</i> ...	227	R
B. <i>In Retrospect – What About Student Perception of             Actual Value?</i> .....	231	R
C. <i>Formation of Professional Identity</i> .....	234	R
D. <i>The Two BIG Questions</i> .....	236	R
CONCLUSION .....	238	R

## INTRODUCTION

The familiar phrase in our title borrows from W.P. Kinsella’s novel *Shoeless Joe* and the movie based on the book, *Field of Dreams*.<sup>1</sup> We have altered W.P. Kinsella’s words just slightly. In the original, it is “he will come” — “he” apparently being Shoeless Joe Jackson of the

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1. As he sits on his veranda in the book’s beginning, or walks through his cornfield in film’s opening scene, the main character, a farmer – Ray Kinsella, hears a mysterious, voice tell him, “If you build it, he will come.” Ray takes the message as not merely a declarative sentence, but as an imperative. W.P. KINSELLA, *SHOELESS JOE*, 3-8 (1983 ed.); *FIELD OF DREAMS* (Universal Pictures 1989).

infamous Chicago White Sox baseball team of 1919,<sup>2</sup> but actually it is Ray's (the main character) father. "It" is a baseball field on a farm in Iowa. For us, "it" is law school and "they" are prospective law students in today's unsettled market for legal education.

But metaphors only go so far. Unlike Ray, we hear no mysterious voice telling us in a whisper what to do, and we see no value in working on faith (as he did). Rather, our interest is law school innovation in the wake of the Great Recession — innovation often, though not always, intended as a vehicle to increase or at least maintain an adequate level of interest in a school to keep tuition dollars coming in so the bills will be paid and the lights kept burning. Instead of relying on faith, and accepting one of the many "magic bullet" solutions offered by certain authoritative voices as "*the way*" to "fix" legal education,<sup>3</sup> we start from a different, more grounded and empirical perspective.<sup>4</sup>

The recent report from the American Bar Association Task Force on Financing Legal Education (Task Force) noted in frustration "that systematic and reliable information needed to assess the claims and criticisms about the financing of legal education — or to just get a good working sense of what is going on in legal education — is scarce."<sup>5</sup> One Task Force member even called the situation appalling, given the importance of the issues . . . ."<sup>6</sup>

This frustration was especially acute for the Task Force as it also noted that the world of legal education is anything but static. A lot is going on, the Task Force said, with numerous schools trying a range of adjustments to deal with a rapidly changing environment in which

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2. See Stephen Jay Gould, *Introduction to ELIOT ASINOF, EIGHT MEN OUT: THE BLACK SOX AND THE 1919 WORLD SERIES*, at xv-xvi (1963) (recounting the story of the scandal surrounding the "fixing" of the 1919 World Series).

3. In castigating Illinois law schools, a 2015 Illinois State Bar report argued for a curricular overhaul aiming at the production of "practice-ready" graduates. The report said, the current curriculum produces "graduates [who] lack the practice-ready skills necessary for success in the profession of law." See ILL. STATE BAR ASS'N, REPORT AND RECOMMENDATIONS OF THE SPECIAL COMMITTEE ON THE IMPACT OF CURRENT LAW SCHOOL CURRICULUM ON THE FUTURE OF THE PRACTICE OF LAW IN ILLINOIS 6 (2015).

4. Kinsella's book, as well as the movie, can be described as magical realism, a fantasy of sorts.

5. There is little available similar to a review article published more than a generation ago critically examining the relevant empirical literature. See E. Gordon Gee & Donald Jackson, *Current Studies of Legal Education: Findings and Recommendations*, 32 J. LEGAL EDUC. 471 (1982).

6. AM. BAR ASS'N TASK FORCE ON FIN. & LEGAL EDUC., REPORT OF THE AMERICAN BAR ASSOCIATION TASK FORCE ON FINANCING LEGAL EDUCATION 6 (2015) [hereinafter TASK FORCE REPORT].

enrollments are declining.<sup>7</sup> Collectively, we do not even know, in any systematic way, why potential law school students turned away after 2010 in the wake of the Great Recession. Nor do we know whether any of those adjustments could bend the demand curve upward. The most comprehensive general surveys of likely law school applicants are now well more than 40 years old.<sup>8</sup> Nothing comparable was done in the immediate aftermath of the post-2010 law school enrollment declines, nor was there anything done during the enrollment increases in the early 2000s. A very recent study of potential law students may be helpful moving forward, but its early results are just beginning to emerge.<sup>9</sup>

The Task Force, however, went a step further in saying we must pay systematic attention to what is being done. We need to know what is working and what is not. The Task Force characterized such efforts in pragmatic terms saying,

[The adjustments being made] are important because, in many respects, they are *natural experiments* in which different kinds of schools are trying to devise ways of responding to changes in the world around them. In short, they are market-driven experiments that can include important curricular and pedagogical innovations. They must be watched closely and analyzed . . . . They are the incubators of new directions *and* an exacting market proving ground. Moving forward such experiments may well be the source of possible solutions and models, allowing others to see what can be done, how, and with what success.<sup>10</sup>

Like the Task Force, and unlike Ray, our approach is pragmatic.

Our purpose here is to explore one of the “natural experiments” cited by the Task Force: the Experiential Advantage (EA) program at the University of Denver’s Sturm College of Law (Denver Law).<sup>11</sup> EA

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7. *Id.* at 11-14; Two recent surveys, both done by Gallup, suggest that a sizeable proportion of law schools graduates do not think their investment in law school was worth the cost. See Zac Auter, *Few MBA, Law Grads Say Their Degree Prepared Them Well*, GALLUP (Feb. 16, 2018), <http://news.gallup.com/poll/227039/few-mba-law-grads-say-degree-prepared.aspx>; GALLUP & ACCESSLEX INST., EXAMINING VALUE, MEASURING ENGAGEMENT: A NATIONAL STUDY OF LONG-TERM OUTCOMES OF A LAW DEGREE 8, 19 (2018) (“Recent graduates are least likely to fine their [J.D.] degree valuable, even when controlling for student loan debt.”), <https://www.accesslex.org/resources/examining-value-measuring-engagement-the-long-term-outcomes-of-a-law-degree>.

8. See LEONARD BAIRD, *THE GRADUATES: A REPORT ON THE CHARACTERISTICS AND PLANS OF COLLEGE SENIORS* (1973); SEYMOUR WARKOV & JOSEPH ZELAN, *LAWYERS IN THE MAKING* (1965); Robert Stevens, *Law Schools and Law Students*, 59 VA. L. REV. 551 (1973).

9. The survey was conducted in the fall of 2017 by Gallup – a national survey of a sample of potential and first year law school students. See Jeff Allum & Katie Kempner, *Inside the Minds of Future Law School Grads: Some Findings from Before the JD*, 87 B. EXAMINER 9, 9-10 (Winter 2018-2019).

10. TASK FORCE REPORT, *supra* note 6, at 13-14 (emphasis added).

11. *Id.* at 11-12.

was developed as a part of a greater general focus on experiential learning and is built upon the three “Carnegie Apprenticeships” – “the intellectual or cognitive,” “the forms of expert practice,” and “identity and purpose.”<sup>12</sup> It was implemented at Denver Law starting with students entering in August 2013.<sup>13</sup>

To explore this natural experiment, we took a particular route and did so for what we see as good reason. It is often the case with such curricular experiments that the views of students are missing. But of course, it makes little sense to neglect them because such changes are supposedly made for the students’ benefit. So, it seems more than appropriate to ask them – from their perspective – if a change worked, or improved matters, as it was designed to do. This article is a first report on the findings of an extensive case study — a three-year, survey-based, study of Denver Law students concerning the EA Program “natural experiment.” The findings should be of considerable interest to the legal community, given that there is general support for experiential learning across most law schools,<sup>14</sup> but a study of this kind — one exploring student views on curricular innovation — has never been conducted before.

This Article is divided into four sections. The first provides a general context for Denver Law’s efforts. The second outlines the study itself, and is followed by section three, which analyzes the reasons first-year students chose Denver Law and their interest in EA and experiential learning. The fourth section changes focus and turns to Denver Law students nearing the end of their legal education – 3 and 4Ls.<sup>15</sup> These students, nearing the end of their legal education, were asked a series of “look back” questions asking them about their law school experience, including the EA program and experiential learning.<sup>16</sup>

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12. See WILLIAM SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW, 28 (2007).

13. See *Denver to Offer Experiential Training Program*, NAT’L JURIST: PRELAW (June 11, 2013, 4:25 PM), <http://www.nationaljurist.com/prelaw/denver-offer-experiential-training-program>.

14. See David I. C. Thomson, *Defining Experiential Legal Education*, 1 J. EXPERIENTIAL LEARNING 1, 1-6 (2015).

15. Denver Law has always had both full and part-time students – students completing their educations in three years or in four years. In order to capture students at the end of their time in school, using information from Denver Law’s Office of the Registrar, we included both full-time 3Ls and part-time 4Ls.

16. Currently, an additional stage of the research is being designed that will survey and/or interview Denver Law students three years post-graduation with a new series of “look back” questions about their law school experience.

## I. CONTEXT

In the years following the economic downturn of 2008-09, many law firms experienced a reduction in work<sup>17</sup> and reduced hiring,<sup>18</sup> meaning that employment opportunities for recent law school graduates suffered as well.<sup>19</sup> This chain of events continues to attract wide and intense media coverage, especially on social media.<sup>20</sup> These events and their coverage created two kinds of pressure that most law schools felt in the years following 2009. First, the American Bar Association found that reported employment numbers at many law schools were not revealing the full truth of the situation,<sup>21</sup> and they corrected that with new reporting requirements.<sup>22</sup> Second, the number of applications to ABA-accredited law schools dropped approximately 44% between 2010 and 2015, and the number of applicants dropped approximately 39%.<sup>23</sup>

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17. GEORGETOWN LAW CTR. FOR THE STUDY OF THE LEGAL PROFESSION & THOMAS REUTERS, 2014 REPORT ON THE STATE OF THE LEGAL MARKET 3 (2014), [https://peermonitor.thomsonreuters.com/wp-content/uploads/2014/01/2014\\_PM\\_GT\\_Report5.pdf](https://peermonitor.thomsonreuters.com/wp-content/uploads/2014/01/2014_PM_GT_Report5.pdf)

18. This was particularly true for the larger firms. See EMPLOYMENT RATE OF NEW LAW GRADS UNCHANGED AS BOTH THE NUMBER OF GRADUATES AND THE NUMBER OF JOBS FOUND DECLINE, NALP (Oct. 2016).

19. The National Association for Law Placement (NALP) prepared a report in 2013 on the reduction in law firm hiring. This report indicates that law graduate hiring had been sinking even before the economic downturn, and indeed had declined for six years in a row. See EMPLOYMENT FOR THE CLASS OF 2013—SELECTED FINDINGS, NALP (2014).

20. The coverage has been and continues to be highly critical and includes what some call the “scam blog” movement. See *A Brief History of So-Called Scamblogging: Where We Are and Where It’s Going*, OUTSIDE L. SCH. SCAM (May 5, 2013 5:00 PM), <http://outsidethelaw-schoolscam.blogspot.com/2013/05/a-brief-history-of-so-called.html>; *What’s Next for the Scamblog Movement?*, OUTSIDE L. SCH. SCAM, (Feb. 20, 2017), <http://outsidethelaw-schoolscam.blogspot.com/2017/02/whats-next-for-scamblog-movement.html>; see also Daniel Barnhizer, *Cultural Narratives of the Legal Profession: Law School, Scamblogs, Hopelessness, and the Rule of Law*, 2102 MICH. ST. L. REV. 663 (2012).

21. Kyle McEntee & Patrick J. Lynch, *ABA Should Make Law Schools Provide Better Job Statistics Now*, NAT’L L.J. (Sept. 22, 2011 12:00 AM), <https://www.law.com/nationallawjournal/almID/1202516512301/aba-should-make-law-schools-provide-better-job-statistics-now/> (noting law schools’ awareness of distorted and misleading reports on employment data).

22. The reporting requirements for the ABA on employment data were revised in February 2012. See *Updated Statement of the ABA’s Section of Legal Education and Admissions to the Bar Regarding Collection of New Job Placement Data*, 2012 A.B.A. SEC. LEGAL EDUC. & ADMISSION TO BAR. [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/2012\\_3\\_15\\_updated\\_statement\\_regarding\\_employment\\_data.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/2012_3_15_updated_statement_regarding_employment_data.authcheckdam.pdf).

23. For data on applications and applicants for fall 2010 and fall 2015, see LAW SCH. ADMISSION COUNCIL, <https://www.lsac.org/data-research/data/current-volume-summaries-region-raceethnicity-sex-lsat-score>.

To their credit, as a result of these pressures many law schools have been making adjustments. Chief among them are adjustments to their curricula. Many schools have been tuning their curricula towards a greater focus on preparation for practice in order to make their graduates more attractive to employers.<sup>24</sup> Schools hope this, in turn, will make them more attractive to prospective applicants. In other words, such schools are trying to enhance what may be called the “value proposition” – the idea that prospective students will invest their time and incur debt if there is a real return later.<sup>25</sup>

Legal education had, for many years, been subject to criticism for being too “theory” focused and less practical than many employers would have preferred.<sup>26</sup> This concern was repeated for decades, but change happened slowly, in part because law firms could afford to invest in training new associates in their first year or two, making a transition period from law school to practice a part of their business model.<sup>27</sup> However, as business and technological pressures increased on law firms<sup>28</sup> — and were set into sharp focus during the economic downturn of 2009 — law firms could no longer make this investment, and both the transition period and hiring rates for new graduates became much reduced. There were even reports from some law firms that they no longer wanted to hire new graduates, and only hired “laterally” — “experienced lawyers who could bring clients with them.”<sup>29</sup> Some in-

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24. See TASK FORCE REPORT, *supra* note 6, at 11-13.

25. The “value proposition,” based on student loans, is an old idea. A report by an ABA special committee in the early 1950s, said, “education is a long-range capital investment capable of returning high yields. The difference between the cost of a legal education and its value in terms of lifetime earnings is proportionately much greater than the return ordinarily experienced on invested capital. The average annual earnings of lawyers exceed that of skilled industrial workers by almost \$5,000 per year. This greater annual return makes legal education a sound investment.” This value proposition works, of course, only if there are sufficient, well-paying lawyer jobs for new graduates. See A.B.A. SPECIAL COMMITTEE CONF. ON PERS. FIN. L., *Loans for Law School Students*, 5 J. LEGAL EDUC. 312, 314 (1953).

26. See AM. BAR ASS’N, THE REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992), commonly referred to as the “MacCrate Report,” [https://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/2013\\_legal\\_education\\_and\\_professional\\_development\\_maccrate\\_report\).authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2013_legal_education_and_professional_development_maccrate_report).authcheckdam.pdf).

27. *Id.* at 314-16.

28. For two provocative views on the challenges facing law firms, especially bigger firms, and potential ways of meeting those challenges, see MICHELE DEStEFANO, LEGAL UPHEAVAL: A GUIDE TO CREATIVITY, COLLABORATION, AND INNOVATION IN LAW (2018), and THOMAS MORGAN, THE VANISHING AMERICAN LAWYER (2010). Each also has provocative implications for legal education. See MICHELE DEStEFANO, LEGAL UPHEAVAL: A GUIDE TO CREATIVITY, COLLABORATION, AND INNOVATION IN LAW 112-15, 208-10 (2018); THOMAS MORGAN, THE VANISHING AMERICAN LAWYER 178-216 (2010).

29. Clark D. Cunningham, *Should American Law Schools Continue to Graduate Lawyers Whom Clients Consider Worthless?* 70 MD. L. REV. 499, 503 (2011).

house counsel reported that they would not accept bills from their firms that charged them for first year associate time, calling their work “worthless.”<sup>30</sup>

Over the last twenty years, law schools had already been working to increase their practice-focused educational opportunities for their students, particularly with the growth of clinics and externships.<sup>31</sup> In the years following the downturn, the hot topic in legal education became “Experiential Learning,” which describes course work that teaches substantive law primarily through interaction with it in a practice-focused way.<sup>32</sup>

Many schools long prided themselves on the array of practical course work they offered to their students, and they had – before the downturn – numerous options already available. Among those schools was Denver Law, which has the oldest continuously operating clinic in the country, and had a growing externship program.<sup>33</sup> But even Denver Law felt like it needed to bolster the value proposition for its students by making an additional investment in its experiential learning options.<sup>34</sup> The purpose was to make the curriculum more attractive to potential students and to make its graduates more attractive to prospective employers.<sup>35</sup>

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30. *Id.* at 499; Ashby Jones & Joe Pallazalo, *What's a First Year Lawyer Worth?* WALL ST. J. (Oct. 17, 2011), <https://www.wsj.com/articles/SB1000142405297020477460457663136098967532>.

31. See AM. BAR ASS'N. SEC. ON LEGAL EDUC. & ADMISSION TO THE BAR., A SURVEY OF LAW SCHOOL CURRICULA 2002-2010 (Catherine L. Carpenter ed., 2012); AM. BAR ASS'N SEC. ON LEGAL EDUC. & ADMISSION TO THE BAR., 1992-2002 A SURVEY OF LAW SCHOOL CURRICULA (2004); Franklin Gevurtz, *Report on Nationwide Survey of Changes in the Law School Curriculum, Curriculum Survey Results* (2011); see also Bryant G. Garth, *From MacCrate to Carnegie: Very Different Movements for Curricular Reform*, 17 LEGAL WRITING: J. LEGAL WRITING INST. 262 (2011).

32. See Thomson, *supra* note 14 (describing the nature and purpose of experiential learning in legal education).

33. See Denver Law's publicly available 2016 ABA 509 disclosure, A.B.A., <http://www.abarequireddisclosures.org>. (follow “509 REQUIRED DISCLOSURES” hyperlink, then search select year field “2016” and search select school field “DENVER, UNIVERSITY OF”) [hereinafter Denver Law 509 Disclosure].

34. Writing almost 40 years ago, two Columbia Law school associate deans noted, “As enrollment levels [in law schools] decline and the price of legal education goes up, students will become increasingly concerned about the value of what they are paying for.” Peter Swords & Frank Walwer, *Financing Legal Education*, 64 A.B.A J. 1880, 1885 (1978). The article summarizes and updates the main points of their earlier book, *The Costs and Resources of Legal Education: A Study in the Management of Educational Resources* (1974).

35. See Martin J. Katz, *The Case for Practical Legal Education*, STURM COLLEGE OF LAW, U. OF DENVER, OFFICE OF THE DEAN, <http://www.law.du.edu/documents/news/The-Case-for-Practical-Legal-Education.pdf> (discussing Denver Law's incorporation of simulation courses for students to learn and apply the law); see also Martin J. Katz, *Denver Law Continues to Climb in US News Rankings*, STURM COLLEGE OF LAW, U. OF DENVER, <http://>



In the Fall of 2013, Denver Law provided to its incoming class the option of spending one entire year's worth of law school credits (for a total of 30) in exclusively experiential courses, including: simulations, clinics, and externships.<sup>36</sup> The school referred to this option as "The Experiential Advantage" (EA) and received some favorable press for this significant and new offering at Denver Law.<sup>37</sup> The EA program:

combines live client clinics, high-quality externships (including the popular Semester in Practice Externship), and legal simulation courses to provide a full year of practice-based learning to every Law student who chooses to participate in this curricular option. Students can take a minimum of 30 credits of experiential learning, and, as part of that 30 credits, may choose a live client experience consisting of either a clinic or externship opportunity.<sup>38</sup>

In addition to the required six-credit Lawyering Process program during the first year, students have the option of participating in EA by taking at least another twenty-four credits in designated experiential learning courses – which include clinics, externships, and simulation-based classes.

While many schools have experiential learning offerings, some characteristics of what Denver Law built stand out. First, Denver Law invested heavily in its externship programs. Not many serve close to 500 students per year in their externship program.<sup>39</sup> Second, as part of the development of the EA program, there was an intentional expansion of the "simulation" course offerings through the Carnegie

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[www.law.du.edu/forms/news/US-News-Rankings-2015/](http://www.law.du.edu/forms/news/US-News-Rankings-2015/) (last visited Nov. 19, 2018) (reporting Denver Law's ranking in the country and expressing the benefit of the experiential learning movement).

36. *Denver Law to Launch Experiential Advantage Curriculum This Fall*, STURM COLLEGE OF LAW, U. OF DENVER (Jun. 5, 2013), [http://www.law.du.edu/documents/news/Experiential-Advantage-Release\\_FINAL0605.pdf](http://www.law.du.edu/documents/news/Experiential-Advantage-Release_FINAL0605.pdf); See *Experiential Advantage*, STURM COLLEGE OF LAW, U. OF DENVER, <http://www.law.du.edu/index.php/experiential-advantage> (last visited May 10, 2019) (describing the Experiential Advantage Program offered at Denver Law).

37. In 2016 Denver Law received an A+ rating from National Jurist in the magazine's "Best for Practical Training" ranking. See *The Year in Review*, STURM COLLEGE OF LAW, U. OF DENVER (2016), <https://www.law.du.edu/index.php/2016-year-in-review> (last visited May 10, 2019) (reporting Best Schools Ratings from the *National Jurist*, listing Denver Law as one of the best schools for practical training); see also Elizabeth Moroney, *The 1L as Lawyer: Spotlight on U. of Denver, Sturm College of Law*, CASE STUDIES BLOG: HARVARD LAW SCHOOL (Oct. 17, 2013), <https://blogs.harvard.edu/hlscasestudies/2013/10/17/the-1l-as-lawyer-spotlight-on-university-of-denver-sturm-college-of-law/>.

38. *Experiential Advantage*, STURM COLLEGE OF LAW, U. OF DENVER, <http://www.law.du.edu/index.php/experiential-advantage> (last visited May 10, 2019).

39. For the Fall 2018 ABA-required 509 report Denver Law reported 495 field placements filled during the 2017-18 academic year. Only five schools reported a higher number. See Denver Law 509 Disclosures, *supra* note 33.

Integrated Course (CIC) Program. Under the CIC Program, faculty members were given financial incentives to convert their existing courses into a more experiential model, and quite a few faculty members did so.<sup>40</sup> Third, the announcement of the option for students to take a full year of EA credits, and the concomitant focus this announcement engendered, created its own momentum within the law school. Fourth, the simple fact of marketing the EA option as part of the admissions process and as a promise to incoming students also created a broad commitment in the building of experiential learning.

Some law schools in this period made administrative appointments, such as Associate Deans of experiential learning,<sup>41</sup> Denver Law chose not to do this. Although such an appointment has the advantage of dedicating administrative time and focus to that part of the curriculum, which might assist with integration of these programs, a well-known clinical professor suggested that it has the possible downside of losing the benefit of the distinctive cultures of each component of the experiential offerings (clinics, eClinics, externships, and simulation courses).<sup>42</sup>

## II. THE DENVER LAW SURVEYS AND RESPONDENTS

Even though “Experiential Learning” is receiving renewed attention in the legal academy following the downturn in law school applications,<sup>43</sup> the students themselves remain largely left out of the discussion. We think this, at the very least, is shortsighted. Asking students about programs like EA – and curricular opportunities for learning – generally needs to be a larger part of the discussion. After all, if students do not perceive a value to what they receive in education, as compared to the cost, and apply in sufficient numbers as a result, the lights will soon go out at many law schools. If, on the other hand, expanding the experiential offerings at law schools attracts more

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40. See *Modern Learning*, STURM COLLEGE OF LAW, U. OF DENVER, <http://www.law.du.edu/index.php/modern-learning/carnegie-integrated-courses> (last visited May 10, 2019) (discussing Denver Law’s experiential learning opportunities for students and provides a short movie, which includes interviews with faculty members who converted their courses to this model).

41. Binny Miller, *Cultural Brokers in the Changing Landscape of Legal Education: Associate Deans for Experiential Education*, 2 J. EXPERIENTIAL LEARNING 98, 101 (2017).

42. *Id.* at 120.

43. *Id.* at 99-101, 111-15; Task Force, *supra* note 6, at 12-13.

students, and prepares them better for practice: the lights just might stay on.<sup>44</sup>

The implementation of EA at Denver Law offered an opportunity to bring students into the discussion. While the EA program was being developed and rolled out at Denver Law, we designed a survey-based study to explore the impact of this program on enrollment and student educational experience.<sup>45</sup> The study was designed around a series of Denver Law student surveys. Here we report on the findings of five surveys: three entering classes (2013-14, 2014-15, and 2015-16) and two graduating classes (2015-16 and 2016-2017).<sup>46</sup> Table 1 outlines the logic.

TABLE 1.  
ADMINISTRATION OF DENVER LAW EA SURVEYS

Academic Year	Class Surveyed	
2013-14	1Ls	
2014-15	1Ls	
2015-16	1Ls	3/4Ls (2013-14 1Ls)
2016-17		3/4Ls (2014-15 1Ls)
Total useable response rate	59% (n=399)	27% (n=144)

We started in the fall of academic year 2013-14 with the incoming class of 1L students with a survey asking students questions on a

44. The current empirical literature offers varying general assessments of this value proposition. For a more optimistic view, see Michael Simkovic & Frank McIntyre, *The Economic Value of a Law Degree*, 43 J. LEGAL STUD. 249 (2014), arguing there is a long-term income benefit for a law degree compared to just an undergraduate degree, even if one graduates into a down job market. For a more pessimistic view, see Ronald Ehrenberg, *American Law Schools in a Time of Transition*, 63 J. LEGAL EDUC. 98 (2013), arguing that the logic of the value proposition is “breaking down because of the collapse of the job market for new lawyers.” *Id.* at 98. In a 1989 article, Ehrenberg argued the value proposition was working reasonably well, saying “while tuition increases have outpaced starting salaries law school attendance, on average, still appears to be a worthwhile investment” given the job opportunities. Ronald Ehrenberg, *An Economic Analysis of the Market for Law Students*, 39 J. LEGAL EDUC. 627, 629 (1989).

45. A study published in 1981, reported on a survey of the University of Houston Law Center’s 1976 entering class. The survey examined those who chose to attend the law school and why, along with student career objectives. The survey’s interests were sociological in character and did not explore student views on curricular matters. See Stephen Huber et al., *Pathways to Law School: The Status Attainment Process*, 31 J. LEGAL EDUC. 571 (1981).

46. Hereinafter Denver EA Surveys (data for each individual survey on file with the authors). The design and first execution of the Denver EA surveys substantially pre-date the recent Gallup survey of potential and first year law students. See Allum & Kempner, *supra* note 9, at 9.

variety of topics relating to their legal education. Chief among them were questions focusing on students' reasons for choosing Denver Law (including the new and extensive EA program along with Denver Law's experiential learning opportunities), their knowledge of and interest in EA, their plans after graduation, their expected law school debt, their familiarity with the idea of "professional identity" and their backgrounds.

The exact same survey was administered to the next 1L class in the fall of academic year 2014-15, and then to the 1L class in the fall of academic year 2015-16.<sup>47</sup> The same survey, with a few special additions, was administered to 3Ls in the fall of 2015 (2013-14 1Ls) and the spring of 2017 (2014-15). Those additions were "look back" questions that asked students near the end of their time at Denver Law to reflect on their reasons for choosing Denver Law, the EA program and their experience with or without it, and their overall time at Denver Law.

A key aspect of the study was not just following a given class, but following individual members of a class.<sup>48</sup> We devised a system that allowed us to track whether a particular entering year student took the survey again in their last year at Denver Law, while maintaining complete anonymity. We could track students without knowing who they were, and these are the "repeaters" that we will address later.<sup>49</sup>

Our focus in this article is on the 1Ls and the 3/4Ls, and the similarities or differences in their responses to survey questions – and crucially the 3/4L "look back" question responses. On key characteristics, our 1L respondents are quite similar to all Denver Law 1Ls in terms of LSAT, undergraduate GPA, and race; there are slightly more female and slightly more part-time 1Ls, but otherwise, a fairly close

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47. On the importance of using identically worded questions over time, see BENJAMIN I. PAGE & ROBERT Y. SHAPIRO, *THE RATIONAL PUBLIC: FIFTY YEARS OF TRENDS IN AMERICANS' POLICY PREFERENCES* 29 (1992) ("The only safe way to identify opinion change, then, is to compare answers to *identical survey questions*. . .").

48. This is roughly akin to a panel study, one in "which data are collected from the same set of people at several points in time." EARL R. BABBIE, *THE PRACTICE OF SOCIAL RESEARCH* 108 (13th ed. 2013).

49. The Denver EA surveys were designed so that a person, not otherwise connected to the study, would assign each student a unique ID number and send the survey – via email using Qualtrics – to each student in a given class or cohort. We have no access to the key matching each student with that unique ID. The completed surveys are available to us only in Qualtrics (not to those who assigned those ID numbers). Each returned survey identified respondents by ID number only. The survey design was reviewed and approved by the University of Denver's Institutional Review Board (IRB). The respondents to this survey will hereinafter be referred to by their respondent number and the year in which they completed the survey will be indicated. See Denver EA Surveys, *supra* note 46. Qualtrics is a widely used survey software. See <http://www.qualtrics.com>

representation of the student body overall. Also, the 3/4L respondents are quite similar to their peers on LSAT, undergraduate GPA, gender, and part-time status, though respondents are slightly more likely to be white (non-Hispanic).

We have no indication that the 3/4L respondent pool is dominated by those who might have a negative bias toward Denver Law – students responding to the survey because they have “an axe to grind.” Among the questions posed to 3/4Ls was one asking whether they would attend Denver Law again given its strength in experiential education. Ninety-one percent of the 3/4L respondents in our surveys said yes.<sup>50</sup> This is consistent with the findings from a separate set of respondents from the same two classes – 3/4Ls responding to the spring 2016 and the spring 2017 Law School Survey of Student Engagement (LSSSE) surveys for Denver Law.<sup>51</sup> Combining the 3/4Ls responses in both of those surveys, 90% said they would attend Denver Law again.<sup>52</sup> Still, our findings are based only on the respondents we have, and in interpreting the findings we will keep this in mind.

### III. 1LS: CHOOSING DENVER LAW

#### A. *Background*

Perhaps the most important question for Denver Law, in building a more robust experiential learning curriculum, is whether the students will choose to come as a result of the decision by the school to put more resources and priority in that part of the curriculum. To return to the Kinsella reference in the title, if you build it, will they come? In other words, would potential students see the value in a

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50. Here and throughout our discussion of the “look back” questions in Section IV, below, we combine academic year 2016-16 3/4Ls and academic year 2016-17 3/4Ls. Our interest at this point is not in year-to-year variations, but in general patterns.

51. The Law School Survey of Student Engagement (LSSSE) survey has been administered each spring, to students in law schools choosing to participate, since 2004 by the Indiana University Center for Postsecondary Research. Denver Law was a participating school in 2008-2012 and 2014-2018. According to LSSSE director, Meera E. Deo, “LSSSE provides valid and reliable insights about legal education, from the viewpoint of students. Decades of data have shown that increasing student engagement in learning improves both their educational and professional outcomes. We specifically examine student perceptions of the effects and impacts of their law school experiences.” *Director’s Message*, LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT, <http://lssse.indiana.edu/who-we-are/> (last visited Nov. 18, 2018).

52. When asked in the two Denver Law LSSSE surveys whether students would choose to pursue a law degree again if they could start over, 75% of the combined Denver Law 3/4Ls said yes, 19% said unsure, and only 6% said no (all Denver Law LSSSE data on file with the authors).

school making this kind of commitment?<sup>53</sup> To be sure, there is also an important question at graduation about whether employers would hire Denver Law's graduates in appropriate numbers. But if the students do not want to attend Denver Law in the first place, this second question would become moot over time.

Like nearly all schools, Denver Law saw fewer potential students showing an interest in the wake of the Great Recession. Applications declined, and while the decline for Denver Law's application numbers was sharpest after the recession, it actually started earlier. Applications peaked in 2003 and 2004 at 3,802 and 3,769, respectively.<sup>54</sup> The number slipped to 3,129 in 2010,<sup>55</sup> and then dropped by almost one-half to 1,601 in 2014.<sup>56</sup> The number, however, has rebounded somewhat in recent years – 2,742 in 2015 and 2,164 in 2016.<sup>57</sup>

Over this period, Denver Law also saw its matriculation rate – the percentage of those accepted who actually decide to come – decline. This is, in large part, an indication of the increasing competitiveness among schools for the smaller number of students in the market. In the early-aughts, when applications to the school were at their height, the matriculation rate was just over 40%.<sup>58</sup> By 2010 the matriculation rate

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53. There is no recent broad survey of potential law school applicants to which we can turn. There is as of yet no indication of whether the fall 2017 Gallup survey of potential and first year law students asked this kind of question. See Allum & Kempner, *supra* note 9.

54. For reports prior to 2011, the statistical data regarding law school applications was reported approximately two years after the data was collected. Thus, the figures cited are located in the texts published two years later. To view A.B.A. Figures for 2000-2010 taken from the annual Official Guide to ABA Approved Law Schools see *Official Guide to ABA Approved Law Schools*, A.B.A., <https://home.heinonline.org/titles/Spinellis-Law-Library-Reference-Shelf/Official-Guide-to-ABA-Approved-Law-Schools/> (last visited Nov. 18, 2018). For information about application numbers for 2003, see LAW SCH. ADMISSION COUNCIL & AM. BAR ASS'N, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS 239 (Wendy Margolis et al. eds., 2005 ed. 2004) [hereinafter ABA-LSAC 2005 OFFICIAL GUIDE], and for information about application numbers for 2004 see LAW SCH. ADMISSION COUNCIL & AM. BAR ASS'N, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS 239 (Wendy Margolis et al. eds., 2006 ed. 2005) [hereinafter ABA-LSAC 2006 OFFICIAL GUIDE].

55. LAW SCH. ADMISSION COUNCIL & AM. BAR ASS'N, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS 245 (Law Sch. Admission Council & Am. Bar Ass'n ed., 2012 ed. 2011) [hereinafter ABA-LSAC 2012 OFFICIAL GUIDE].

56. For figures for 2011-16 on applications and matriculation, see Denver Law 509 Disclosures, *supra* note 33 and accompanying instructions.

57. *Id.*

58. For Fall 2003 to Fall 2005, applications averaged 3,709 per year and the matriculation rate averaged 41%. See ABA-LSAC 2005 OFFICIAL GUIDE, *supra* note 54, at 241; ABA-LSAC 2006 OFFICIAL GUIDE, *supra* note 54, at 239; LAW SCH. ADMISSION COUNCIL & AM. BAR ASS'N, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS 231 (Wendy Margolis et al. eds., 2007 ed. 2006) [hereinafter ABA-LSAC 2007 OFFICIAL GUIDE]. For Fall 1999, the respective figures were 1,754 and 27%. See LAW SCH. ADMISSION COUNCIL & AM. BAR ASS'N,

was 30%, and for 2015 and 2016 it was 22%.<sup>59</sup> These results are especially striking given the reductions in overall enrollment – from a post-2000 high of 1,242 in Fall 2005 to 960 in Fall 2010,<sup>60</sup> to 780 in Fall 2016.<sup>61</sup>

Denver Law does try to find out why accepted students decide not to attend. Its admissions office surveys those who are admitted but who decide to matriculate elsewhere. We have been able to review some recent material, but it is not possible to systematically analyze it in any detail given the format made available. Still, the materials made available to us do give a very rough sense of why some choose to go elsewhere. For the 1L classes of both 2013 and 2014, the main reasons – using the Denver Law admission office’s breakdowns – for not choosing Denver Law were scholarship money and location. Together these two reasons accounted for over 60% of the lost students in each year. Denver Law’s ranking also appeared as a reason, but for a much smaller percentage of lost students (38% in 2013 and 26% in 2014).<sup>62</sup>

Materials relating to student’s reasons for attending in earlier years, when a larger percentage of accepted applicants chose Denver Law, are not available. Nonetheless, we would assume that location has always been a major factor in deciding whether to attend a regional school like Denver Law.<sup>63</sup> We also assume that scholarship money would be important in choosing whether to attend a private law school, but this would depend on a school’s awarding of scholarship money and the level of competition in the larger market environment. Interestingly, Denver Law gave a much smaller percentage of its students scholarship money in the early-aughts and in lower amounts, when its matriculation was at its highest, than it has recently. We will have more to say about location, money, and ranking in the next section.<sup>64</sup>

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ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS 155 (Rick L. Morgan & Kurt Snyder eds., 2001 ed. 2000).

59. See ABA-LSAC 2012 OFFICIAL GUIDE, *supra* note 55, at 245; Denver Law 509 Disclosure, *supra* note 33 and accompanying instructions.

60. LAW SCH. ADMISSION COUNCIL & AM. BAR ASS’N, ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS 230 (Law Sch. Admission Council & Am. Bar Ass’n ed., 2009 ed. 2008) [hereinafter ABA-LSAC 2009 OFFICIAL GUIDE].

61. Denver Law 509 Disclosure, *supra* note 33 and accompanying instructions.

62. Unpublished, Denver Law Admissions Office surveys (2013, 2014) (on file with the authors).

63. The September 2017 Gallup survey found location to be especially important for choosing a school. Allum & Kempner, *supra* note 9, at 6-7.

64. See ABA-LSAC 2005 OFFICIAL GUIDE, *supra* note 54, at 239; ABA-LSAC 2006 OFFICIAL GUIDE, *supra* note 54, at 239; ABA-LSAC 2007 OFFICIAL GUIDE, *supra* note 55, at 231. The percentage of students with scholarship money for these years ranged from 29% to 36%.

*B. The 1L Surveys: By the Numbers*

While Denver Law shared in the general decline of legal training's attractiveness in the wake of the Great Recession, something more was involved as the discussion above suggests. Responses given by 3/4Ls in Denver Law's 2008 LSSSE survey provide examples of this contrast. For example, one-third said they would not choose the school again, a troubling figure to say the least, and majorities or substantial minorities said Denver Law was not delivering even on the basics.<sup>65</sup> Fifty-nine percent said the school did not sufficiently contribute to job or work-related knowledge and skills, and another 51% said the school did not sufficiently contribute to developing clear and effective speaking skills.<sup>66</sup> Forty-two percent said the school did not sufficiently contribute to developing clear and effective writing skills and 40% said the school did not sufficiently contribute to the development of legal research skills.<sup>67</sup>

The recession only worsened Denver Law's predicament and did so dramatically. If the school hoped to enhance its attractiveness, and do so in a smaller and more competitive market, it needed to rethink what it offered to perspective students and the value of what it offered. The EA program – together with the greater general focus on experiential learning at Denver Law – was the response.

In light of this, our interest is in those who did decide to attend Denver Law, and we wanted to know why. What is it that not only enticed these students to apply to the law school, but also to decide to attend? More specifically, what is the role, if any, of the new and significant emphasis on experiential learning? The question, on the surface, is a simple and straightforward one, but we could not just ask this question alone. Even if it was important to a student's decision, we could not ignore the likelihood that other factors would also come into play – like location, scholarship money, or ranking.<sup>68</sup>

With this in mind, our surveys posed a series of questions to students about their reasons for choosing Denver Law. There are nine

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The median amount was lower. At the highest, the median award for Fall 2003 to Fall 2005 was \$9,500 in 2004 (approximately \$12,000 in 2016 dollars and \$12,700 in 2018 dollars). The median award for 2016 was \$22,500 with 53% receiving a scholarship. See Denver Law 509 Disclosure, *supra* note 33 and accompanying instructions.

65. Denver Law 2008 LSSSE survey (on file with the authors).

66. *Id.*

67. *Id.*

68. The fall 2017 Gallup survey found that the top four reasons first year students gave for choosing a school were location, employment for graduates, faculty quality, and reputation/rank. Allum & Kempner, *supra* note 9, at 13.



possibilities covering a range of common concerns and they are listed in Figure 1. The purpose with these possibilities was to look beyond the idea of students choosing a school with the intent to focus on a substantive area of law or career path.<sup>69</sup> Denver Law's recent LSSSE surveys show that new 1Ls have been drawn to the school to study a host of substantive areas with no single area accounting for the primary substantive interest for more than 15% of the 1Ls. Typically, criminal, corporate and securities, environmental, and litigation lead the list.<sup>70</sup> Taking these as given, what else might be important in the current environment, especially with regard to pedagogy, curriculum, and the idea of value?

To allow us to systematically analyze and compare the importance of each of the nine possibilities, we used a slider bar for each one on an electronic survey instrument (all surveys were administered online using Qualtrics).<sup>71</sup> The sliders asked students to rate the influence of each factor on a scale that went from 0 at the bottom to 100 at the top. A student simply moved the cursor on the bar to the point between 0 and 100 that reflected the importance of a reason to them. Each point on the scale yielded a specific score, e.g., 37 or 52 or 99. The slider bar the student saw on the screen did not, however, show the exact numbers, but rather markers at every 10s place between 10 and 100. The student could place the bar at any point along that range.<sup>72</sup>

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69. There is always a problem relying only on substantive interest – what to include and what not to include given the myriad possibilities. The Denver Law EA surveys did ask about a student's substantive area of interest. See Denver EA Surveys, *supra* note 46.

70. For 1L respondents in the 2016 Denver Law LSSSE survey, criminal was chosen as the primary substantive area of interest by 12%, corporate and securities, environmental, and litigation each by 11%. Denver Law 2016 LSSSE survey (on file with the authors).

71. See *supra* note 49 for information on the execution of the surveys.

72. This approach is quite different than simply asking a respondent to check a box to indicate their preferred answer. It allowed us to not only gauge the importance of a reason for choosing Denver Law, but to do so in comparison with other reasons using a scale with a true zero point.

FIGURE 1  
THREE 1L SURVEYS COMBINED (N=399):  
IMPORTANCE OF REASON FOR CHOOSING DENVER LAW  
(MEAN SCORE ON A 100-POINT SCALE)

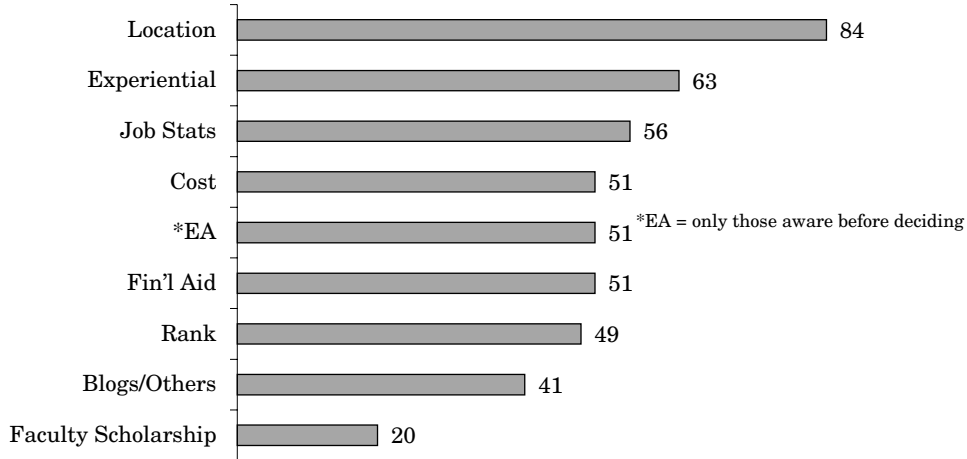


Figure 1 above combines the 399 respondents for all three 1L classes surveyed (see Table 1 listing all the surveys we conducted) and shows the mean score for each of those reasons. Location is clearly the most important reason for those who decided to come to Denver Law: students hope to practice in this region.<sup>73</sup> This should not be surprising – Denver Law has a long and strong identity as a regional school and the vast majority of graduates take the Colorado bar examination and find their first job in the state.<sup>74</sup> In recent years, at least 75% of Denver Law graduates found their first job in Colorado and for 2016 graduates it was 85%.<sup>75</sup> Location, however, cuts both ways. As we

73. The importance of location is not surprising given that one-half of the 1Ls in our surveys were either born in Colorado or received their undergraduate degree from a Colorado college or university. See Denver EA Surveys, *supra* note 46, at 2013, 2014, 2015. Location was also the most important reason for choosing a school for the 1L respondents in the September 2017 Gallup survey. See Allum & Kempner, *supra* note 9, at 13.

74. It was not just law students drawn to the state: during the period of this study, Colorado was the second-fastest growing state in the U.S., increasing in population by 100,986 people between 2014 and 2015. See Joe Murphy, *Chart: Colorado is the second-fastest growing state in the U.S.*, THE DENVER POST (July 7, 2016), <http://www.denverpost.com/2016/07/07/colorado-second-population-growth-2015>.

75. For data of Denver University graduation classes, 2011 to 2016 see A.B.A., *Employment Database*, <http://employmentsummary.abaquestionnaire.org> [hereinafter A.B.A., *Employment Database*] (follow “EMPLOYMENT OUTCOMES” hyperlink, then search select year field and search select school field “DENVER, UNIVERSITY OF”).

noted earlier, it also appears to be one of the primary reasons some who are admitted choose to go elsewhere.<sup>76</sup>

But location is not the only reason students elected to attend Denver Law. These first-year students are noticeably pragmatic,<sup>77</sup> and the surveys indicated that they also looked at the decision they were making in terms of the value proposition. The second most important reason – and a strong second (among those we asked) – is Denver Law’s emphasis on experiential education generally and its importance is bolstered by students’ responses on EA specifically. As one 1L respondent explained, “The job market for new attorneys is super competitive, and experience is what differentiates Denver recent grads from others . . . and attaining that experience was THE reason I made the choice to complete my degree here.”<sup>78</sup> Another 1L said Denver Law’s emphasis on experiential learning “was something that distinguished Denver’s law program from . . . other law school acceptances.”<sup>79</sup>

Another aspect of the 1Ls’ pragmatism is the importance they give to Cost and Financial Aid.<sup>80</sup> These two reasons are another key side of the value proposition. The school’s curriculum is seen as one that enhances a student’s prospects in a very competitive job market, but at what cost? Most students know they will have to borrow to pay for law school. The 1Ls in our surveys believe that on average they will have to borrow at least \$100,000 for law school, therefore, financial aid is a crucial factor.<sup>81</sup>

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76. See Denver Law Admissions Office surveys, *supra* note 62 and accompanying text.

77. In criticizing the current legal academy, Thomas Morgan said – among other things, “The vision of a legal education is attractive to many and may still have some reality at American law schools, but the vision of most law students is more focused on getting a job.” Morgan, *supra* note 28, at 178.

78. Respondent #2122, Denver 1L survey (2014). See Denver EA Surveys, *supra* note 46 (emphasis in original).

79. Respondent #4050, Denver 1L survey (2015). See Denver EA Surveys, *supra* note 46. Related, for the 1Ls, are Denver Law’s job statistics. Between 2011 and 2014, just one-half of graduates found a full-time, permanent, bar pass-required job, and another 9% found a full-time, permanent, JD-preferred job. Between 2015 and 2016, those figures are 62% for a full-time, permanent, bar pass-required job and 14% for a full-time, permanent, JD-preferred job. For all private schools, 59% of 2015 and 2016 graduates obtained a full-time, permanent, bar pass-required job. For private schools similar to Denver Law in terms of average school LSAT between 2005 and 2015 (LSAT 158 to 162), the full-time, permanent, bar pass-required job percentage for 2015 and 2016 is 57%. *Employment Database*, *supra* note 75.

80. The findings of the September 2017 Gallup survey also emphasize the importance of cost and financial aid. See Allum & Kempner, *supra* note 9, at 13-14.

81. Consistent with the responses of 1Ls on expected debt in Denver Law LSSSE surveys for spring 2014, 2015, and 2016 (on file with the authors). Denver Law LSSSE, *supra* note 51.

Between 2011 and 2016, the percentage of all students at Denver Law receiving financial aid steadily increased from 41% to 53%.<sup>82</sup> The median amount of aid did not increase much for full-time students – from \$21,500 to \$22,500, but there was more increase for part-time students – from \$10,800 to \$15,800 (all figures in 2016 dollars).<sup>83</sup> There was, however, a shift in how money was awarded. Of those students receiving money in 2011, 38% received less than one-half tuition; in 2016 the figure was 49% — suggesting a wider dispersal of available funds across the student body.<sup>84</sup>

Three slider bar questions asking student reasons for selecting Denver Law were concerned with common ways students might gauge the school's reputation more broadly and abstractly. "Rank" in Figure 1 refers to Denver Law's rank in the annual US News law school rankings. While this ranking system is roundly and regularly criticized,<sup>85</sup> for 1Ls it is only a little less important than Cost and Financial Aid. Blogs/Others in Figure 1 is about the more informal – especially online – "grapevines" that offer potential students a wide array of "information" on schools. They were less important for 1Ls. Least important was faculty scholarship, which offers a different way of assessing a school's reputation; students may not see this as a part of a value proposition for them (at least not directly).<sup>86</sup>

As one might expect, these reasons are not necessarily independent of each other. For instance, the correlation between Experiential Education and Jobs is a relatively robust 0.53 (sig = .000), while the correlation between Experiential Education and Location is a functionally non-existent -0.03 (not significant). One way to deal with the possible connections among these factors is to utilize an analytical tool called "factor analysis." Factor analysis is exploratory in character and

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82. For 2011, 44% of full-time students received money as did 27% of part-time students. See Denver Law 2012 509 disclosure, *supra* note 32 (2011 data on grants/scholarships reported in the 2012 509 disclosure). For 2016, 55% of full-time students received money as did 42% of part-time students. See Denver Law 509 disclosure, *supra* note 33 and accompanying instructions to locate 2017 disclosure (noting 2016 data on grants/scholarships reported in the 2017 509 disclosure).

83. An overall median is not reported.

84. See Denver Law 509 disclosures, *supra* note 33 and accompanying instructions.

85. See WENDY ESPELAND & MICHAEL SAUDER, *ENGINES OF ANXIETY: ACADEMIC RANKINGS, REPUTATION, AND ACCOUNTABILITY* (2016) (detailing a systematic study of the effects of ranking on the actual operations of a set of law schools).

86. In something of a contrast, the 2017 September Gallup survey found faculty reputation as being among the most important factors for 1Ls. See Allum & Kempner, *supra* note 9, at 13. However, there is no reason to expect the important factors for students at a given school are the same as those for a broad sample of students and schools. "The *ecological fallacy* is the assumption that something learned about an ecological unit says something about the individuals making up that unit." BABBIE, *supra* note 48, at 103.

consists of a set of statistical techniques that identifies a smaller set of underlying and more general dimensions that emerge from the inter-correlations among a larger number of individual variables. Factor analysis allows us to try a number of different ways of looking for underlying dimensions to find the most coherent picture of the students' responses and to make sense of those responses.<sup>87</sup>

Using factor analysis and all nine reasons, we can see four coherent dimensions. Table 2 shows the four dimensions (along with the most important individual reasons for each) and how much of the variance among the nine reasons each explains. Taken together the four dimensions explain 73% of the variance among the nine reasons.<sup>88</sup> If three dimensions are sought, 63% of the variance is explained.

TABLE 2  
1L REASONS FOR CHOOSING DENVER LAW: UNDERLYING DIMENSIONS

Dimension	% of Variance Explained by Dimension
Promised Value (Experiential Learning, EA, Jobs)	36%
Expected Investment (Cost, Financial Aid)	16%
Location	11%
Reputation (Blogs/Others, Scholarship, Rank)	10%

For the Denver Law 1Ls, a dimension we have called Promised Value is the most important, combining Denver Law's experiential approach to legal education and jobs. If this is the first key part of the value proposition, the next dimension – Expected Investment – is the second. A 1L said the experiential opportunities were very important: “This was a very big deciding factor in what law school to go to. I would not have attended Denver because it is so expensive had they not had

87. *Id.* at 483 (describing factor analysis as “a complex algebraic method used to discover patterns among the variations in values of several variables. This is done essentially through the generation of artificial dimensions (*factors*) that correlate heavily with several of the real variables and that are independent of one another.”).

88. Factor analysis allows for testing the veracity of different numbers of dimensions to find the most appropriate in terms variance explained and substantive coherence. Two different rotations were used to explore the data: varimax, and direct oblique – the latter assumes that the dimensions are uncorrelated and the former that dimensions are correlated. Both yielded essentially the same results in terms of the total variance explained and substantive coherence of the dimensions, but differed on the dimensions' order of importance. Because two of the dimensions are correlated – Promised Value and Reputation – the order of importance in Table 2 is the order from the oblique rotation.

this program.”<sup>89</sup> Location and Reputation are less important, but not unimportant. The Reputation dimension and the Promised Value dimension are correlated (not independent of each other), largely because the Jobs variable is important to both, but the variable is more important to the Promised Value dimension. This should not be surprising if 1Ls think a school’s reputation is important for their ultimate job prospects.

### C. *The 1L Surveys: In Their Own Words*

The student comments noted above come from the responses to an open-ended question at the survey’s beginning (before the slider bar questions). It was addressed to those 1Ls indicating they were aware of the EA Program before making their decision to attend Denver Law and that EA played a part in their decision. While the survey was designed to yield quantitative data, we also saw value in just letting the students literally speak for themselves by including a handful of open-ended questions. This initial question asked students to briefly explain in their own words why EA played a part in the decision. Their explanations provide some insight into what lies beneath the survey’s quantitative material that we have outlined so far. And, the explanations bolster the pragmatic side of the first-year students’ reasons for choosing Denver Law and their view looking at things in terms of the value proposition.<sup>90</sup>

Of the 399 1Ls in the survey data, 276 (69%) said they were aware of EA before making the decision to attend Denver Law. Of those aware of EA, 170 (62% of 276 and 43% of 399) offered a brief explanation of why EA played a part in their decision. In order of importance, three key themes emerged, each appearing in at least 25% of the students’ explanations: (1) acquiring practical experience; (2) an advantage in getting a job after graduation; and (3) the value of hands-on experience.<sup>91</sup>

Few respondents were as plain and simple as the one who answered only “practical skills.”<sup>92</sup> Most respondents, reflecting their pragmatic perspective, mixed together aspects of more than one theme

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89. Respondent #4109, 1L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

90. See *id.*

91. Two other themes appeared, Denver Law’s reputation for experiential education and career exploration, but neither appeared in more than 7% of the write-ins. See Denver EA Surveys, *supra* note 46.

92. Respondent #4024, 1L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

in their explanations. This means the percentages presented in the discussion to follow will exceed 100%.<sup>93</sup>

The largest percentage of the respondents offering an explanation emphasized acquiring practical experience – 69% (117 of 170). Said one student, “I hope to work mostly on my own shortly after law [school]. I need to be as practice ready as possible when I graduate.”<sup>94</sup> Said another, “I liked the idea of getting experience while in school rather than being thrown into the field with no experience.”<sup>95</sup> Similarly, a third said, “I am looking forward to gaining a more practical experience of the law rather than solely based in academics.”<sup>96</sup>

Some 1Ls were quite adamant in their focus on acquiring practical skills. One student said:

I want a school that teaches me not only to ‘think’ like a lawyer, but also one that teaches me real lawyering skills. I don’t have the time nor desire just to learn about theoretical principles of law. At the end of the day, my clients are not going to care how much I can pontificate on legal matters. My clients will want real results from me . . . keep up the good work and add additional Experiential Learning classes!<sup>97</sup>

Similarly, another student said, “I didn’t want to come to law school and sit in a lecture hall for three years. I wanted to be engaged with the world – to be doing real work, learning not just rules and definitions, but how to be a proper lawyer out in the world.”<sup>98</sup>

Most were more measured in their sentiments, such as the student who wrote, “It offered an opportunity to get actual experience, even if just in a clinical situation, and that is invaluable.”<sup>99</sup> And at least one was far from sanguine saying, “Want to have practical experience as a leg up since this isn’t the greatest law school ever.”<sup>100</sup>

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93. Again, our purpose here is to simply provide a window into the quantitative data and to let the students speak for themselves.

94. Respondent #3332, 1L Denver Law survey (2013). *See* Denver EA Surveys, *supra* note 46.

95. Respondent #3207, 1L Denver Law survey (2013). *See* Denver EA Surveys, *supra* note 46.

96. Respondent #3102, 1L Denver Law survey (2013). *See* Denver EA Surveys, *supra* note 46.

97. Respondent #2237, 1L Denver Law survey (2014). *See* Denver EA Surveys, *supra* note 46.

98. Respondent #2386, 1L Denver Law survey (2014). *See* Denver EA Surveys, *supra* note 46.

99. Respondent #3068, 1L Denver Law survey (2013). *See* Denver EA Surveys, *supra* note 46.

100. Respondent #3175, 1L Denver Law survey (2013). *See* Denver EA Surveys, *supra* note 46.

After practical skills, the next theme was quite pragmatic – gaining an advantage in getting a job after graduation. Thirty-five percent of those offering an explanation for choosing Denver Law (59 of 170) emphasized this theme. “Should help in job hunt,”<sup>101</sup> said one; and another wrote: “I am eager to get to work as quickly as possible. I think this program will help me get a job.”<sup>102</sup>

Others were a bit more expansive in their explanations with regard to gaining an advantage in getting a job. A 2013 1L said:

I am coming to law school somewhat later in life. I have an idea of what type of law I would like to practice and know that I will be trying primarily to get a job at a small-medium sized firm. I feel that the more experience I can get while in school, the more valuable I may be to a firm that needs to be able to hire someone who can contribute from the beginning. Additionally, I am hoping that through externships I will create networking opportunities.<sup>103</sup>

A 2014 1L pointed out the to the obvious challenge all would face stating, “The job market for new attorneys is super competitive, and experience is what differentiates DU recent grads from others.”<sup>104</sup>

Another 26% of those offering an explanation (45 of 170 respondents) emphasized hands-on experience and experiential learning. For some of them it was as much about a preferred learning environment as the acquisition of skills or a leg up in the job market – the way they believe they learn best. Still, the focus on the value proposition remains evident. For instance, one student said, “I am a kinetic [sic] learner<sup>105</sup> - I am hopeful that experience gained in law school will help me better understand the concepts I have learned in class, assist my bar exam preparation and make me more marketable for employers.”<sup>106</sup> Similarly, in the words of a 2014 1L: “I learn best by ‘doing’ and want to have work experience before beginning my job search.”<sup>107</sup> Another 2104 1L stated: “I am able to comprehend and retain information

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101. Respondent #3071, 1L Denver Law survey (2013). See Denver EA Surveys, *supra* note 46.

102. Respondent #4005, 1L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

103. Respondent #3105, 1L Denver Law survey (2013). See Denver EA Surveys, *supra* note 46.

104. Respondent #2122, 1L Denver Law survey (2014). See Denver EA Surveys, *supra* note 46.

105. The respondent most likely meant to say they are a “kinesthetic learner” – learning by doing rather than through lectures.

106. Respondent #3301, 1L Denver Law survey (2013). See Denver EA Surveys, *supra* note 46.

107. Respondent #2314, 1L Denver Law survey (2014). See Denver EA Surveys, *supra* note 46.



in a hands on style. I do not retain information well from lectures . . . . I have consistently done extremely well in educational environments that are hands on.”<sup>108</sup> Another student stated, “As an older student, I want to spend as little time in a classroom as possible. I find I excel more when I can learn on the job.”<sup>109</sup>

Some students also emphasized hands-on experience and experiential learning as more generally important in being trained as a practicing lawyer. A 2014 1L stated:

I strongly believe that hands-on experience is extremely valuable and instrumental in graduating with any sort of idea of what it means to be a lawyer. I think these opportunities will help me to curb the learning curve out of law and provide value to my employer sooner thus fast tracking my career.<sup>110</sup>

Likewise, a 2015 1L said, “I believe real life experience is what employers really value and is what will actually land me a job.”<sup>111</sup> Another 2015 1L’s view reflects that of a number of respondents, “If the goal of law school is to train lawyers, why not have them learn by doing, rather than reading?”<sup>112</sup>

In terms of the statement in our title that students will come if you build a robust experiential program, our findings for 1Ls offer support for this conclusion – both in numbers and in their own words. However, an even more interesting story emerged when we asked students about to graduate the same – and some additional – questions. Did students actually take advantage of the robust EA opportunities the Denver Law curriculum offered them?<sup>113</sup> At the conclusion of their time in law school, what do they say? Did they actually commit the credit hours to EA or the key parts of experiential education? As they look back at their time at Denver Law, did they feel that the value was

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108. Respondent #4138, 1L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

109. Respondent #4168, 1L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

110. Respondent #2219, 1L Denver Law survey (2014). See Denver EA Surveys, *supra* note 46.

111. Respondent #4220, 1L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

112. Respondent #4205, 1L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

113. Virtually all 1Ls (94%) said they were interested in the EA program. When asked if they were planning on devoting 24 credit hours to the EA program, only 33% said yes, 12% said no, and the largest percent – 55% – said “I think so, but I need more information.” When asked more specifically about two key parts of EA – clinics and externships – an even stronger pattern emerged. Eighty-six percent of the 1Ls said they wanted to enroll in a clinic and 97% said they wanted to do an externship. See Denver EA Surveys, *supra* note 46.

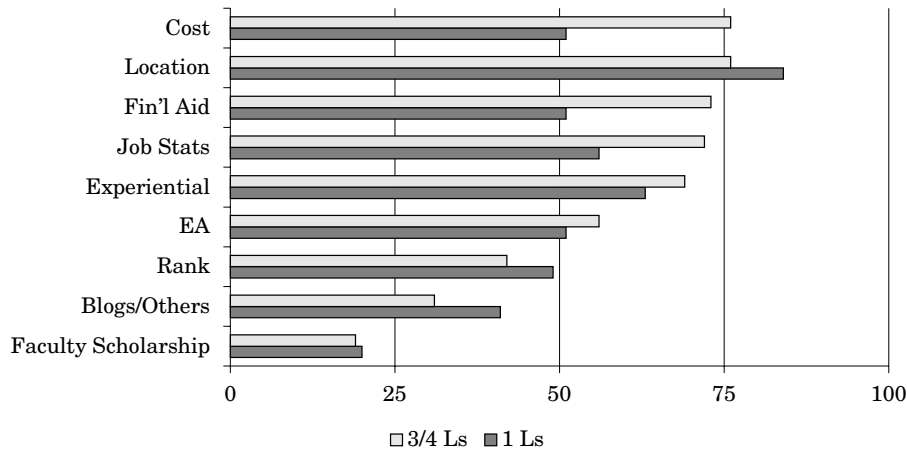
there? Yes, they came – but did they still feel the decision was the right one for them? We address these questions next.

IV. 3/4LS: LOOKING BACK

A. *In Retrospect – Why Did They Attend Denver Law?*

One obvious way to start answering these questions is to revisit the nine reasons we asked 1Ls to assess as a part of their decision to choose Denver Law. Using the same 100-point scale, we asked 3/4Ls to rate each of the reasons that *should have* influenced their decision to attend Denver Law. Figure 2 shows those findings along with the scores for 1Ls that appeared in Figure 1. (Figure 2 differs from Figure 1 in that Figure 2 orders the reasons based on 3/4L responses, where Figure 1 orders them based on 1L responses). As you can see, Cost became much more important for the 144 3/4Ls, as did Financial Aid and Job Statistics. Significantly, Experiential Education and the EA program also became more important to them.

FIGURE 2  
 COMPARING 3/4LS AND 1LS:  
 IMPORTANCE OF REASONS FOR CHOOSING DENVER LAW  
 (MEAN SCORE ON A 100-POINT SCALE)



In short, as 1Ls these students started with a pragmatic view, which – along with their focus on jobs, skills, and cost of education – increased over the course of their time in law school. Looking back, one 3/4L stated:

I was sold on Denver Law primarily as a result of learning about the clinics and the school's strong goals to create and establish practice ready attorneys. I wanted to leave law school with more than accreditation. I wanted actual experience that I could sell to employers. I was not disappointed."<sup>114</sup>

Another bluntly said, "I think the experiential program was very beneficial, I got a job out of it."<sup>115</sup>

From the "look back" perspective, although it has decreased slightly, Location remained quite important to Denver Law students. These students still see themselves seeking jobs in the region. Those reasons linked to the school's reputation, which were not as important as Cost, Financial Aid and Job Statistics, became less important. And the changes in mean score on the 100-point scale for these reasons are not as dramatic as those for Cost, Financial Aid, or Job Statistics. For instance, there is a 7-point decrease for Rank (from 49 for 1Ls to 42 for 3/4Ls). In contrast, the score for Cost increased 25 points (from 51 for 1Ls to 76 for 3/4Ls).

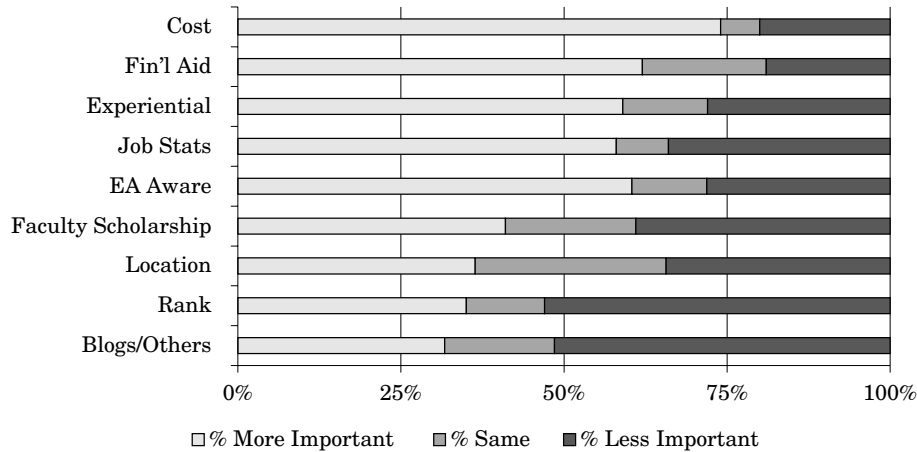
Figure 2 shows changes for all the respondents, but what about changes at the individual student level? Changes at this level may be more interesting – this is what we need to know in order to really have confidence in Figure 2's collective changes in the look back responses. Figure 3 presents information on the "repeaters" – specific individuals who responded to both their 1L survey and their 3/4L survey (n=85). Figure 3 matches the students' individual responses to the nine reasons in their 1L survey with their individual responses to a set of look back questions on those reasons. Again, where the 1L survey asked respondents to score on the 100-point scale the importance of each reason for choosing Denver Law, the 3/4L survey asked them to look back on their experience at Denver Law and score each reason on how important it *should* have been in making their decision to attend Denver Law.

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114. Respondent #3073, 3/4L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

115. Respondent #3083, 3/4L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

FIGURE 3  
COMPARING REPEATERS' *INDIVIDUAL* RESPONSES AS 1LS AND 3/4LS:  
CHANGE IN REASONS FOR CHOOSING DENVER LAW



Specifically, Figure 3 starts with each student's 1L score on a given reason and subtracts it from the student's 3/4L score on the same reason. For example, a 1L score of 60 on Cost is subtracted from her 3/4L score of 100 on Cost (a positive 40-point difference), meaning that Cost became more important in this student's eyes. If her 1L score on Rank was 80 and her 3/4L score on Rank was 50 (a negative 30-point difference), then Rank became less important for her. Figure 3 uses these individual differences and shows the percentage of repeaters who saw each of the nine reasons, in retrospect, as being more important, less important, or of the same importance.

Figure 3 reinforces the conclusion that students who started with a pragmatic orientation became even more so during their time in law school. For over one-half of the 3/4L repeaters, Cost, Financial Aid, Experiential Education, Job Statistics, and EA Aware became more important in retrospect.<sup>116</sup> For Cost, almost three-quarters of the repeaters found it to be more important. For only one of the reasons in Figure 3 did more than one-third of the repeaters say it was less important – Job Statistics (34%). In contrast, for just over one-half of the repeaters, Rank and Blogs/Other became less important.

Location, which Figure 2 shows as still quite important for 3/4Ls generally, reflects a somewhat different pattern for the repeaters.

116. EA aware in Figure 3 is calculated using the 1L EA score for those who were aware of EA before making their decision and the 3/4L EA score. Those who were not aware of EA before making their decision are excluded from EA aware in Figure 3.

For the largest percentage – 36% – it became more important, but for an almost identical percentage – 34% – it became less important. For the remaining 29% location stayed at the same importance.

With the findings in Figures 2 and 3 as context, we can perform the same kind of factor analysis for all 3/4L look back responses similar to the one we did for all 1L scores above. Similar to Table 2, Table 3 presents four dimensions along with the most important of the nine reasons for each. Together the four dimensions explain 69% of the variance in 3/4L look back scores (a bit less than the 73% of variance explained by the 1L scores).

TABLE 3  
3/4L LOOK BACK RESPONSES FOR CHOOSING DENVER LAW:  
UNDERLYING DIMENSIONS

Dimension	% of Variance Explained by Dimension
Net Return (Cost, Financial Aid, Jobs)	29%
Actual Value (Experiential Learning, EA)	15%
Reputation (Scholarship, Rank)	13%
Location, Blogs/Others	12%

Reflecting the changes seen in the look back responses, Table 3's dimensions are not the same as those in Table 2. The most important dimension in Table 3 (explaining the largest percentage of the variance among the nine reasons) can be called Net Return, and it combines parts of the first two dimensions in Table 2 – Promised Value and Expected Investment. Net Return includes Cost, Financial Aid, and Job Statistics– a very practical and realistic dimension. The second most important dimension – Actual Value – includes Experiential Education and EA.

Reputation is the third dimension in Table 3, but it is not quite the same as Reputation in Table 2. Here, it is an indicator of a more formal or abstract sense of reputation, with the most important reasons being Scholarship and Rank. Location and Blogs/Others make up the last dimension. This dimension is interesting in combining Location and a reputational factor, but one that is less formal and abstract than Rank or Scholarship. Perhaps the 3/4Ls have in mind a more localized and immediate idea of what others think of Denver Law – a local “grapevine” of sorts. But, we can't be sure.

Overall, 3/4Ls doubled-down on the reasons that drew them to Denver Law. They enrolled knowing their legal education would not be

cheap and that they would need to borrow money to pay for it. They came expecting that Denver Law's curriculum, with its emphasis on experiential education, would provide them with the wherewithal to land a job in the school's region. It is too soon in our research to track their success in the job market, but the return on investment depends – in the first place – on whether students took advantage of the Denver Law curricular offerings and whether they saw any value. This is where we turn next.

*B. In Retrospect – What About Student Perception of Actual Value?*

Actual Value is the second most important dimension in Table 3 and goes to the curriculum itself. It is the other side of the most important dimension in Table 2 – Promised Value. The question is whether 3/4Ls found the value that was promised to them at admission, and a number of the look back questions on the 3/4L surveys give us a good sense of the answer.

Perhaps the best place to begin, given the importance students attach to Experiential Education and EA, is whether students took advantage of the experiential course offerings at Denver Law. Regardless of what influenced their decision to attend Denver Law, 85% of the 3/4L respondents said they had taken something from among the experiential offerings. Forty-four percent of those respondents who said they had taken something from among the experiential offerings said further that they had or would be devoting the additional twenty-four credits to completing the EA program itself for a total of thirty credits, or one-third of their coursework at Denver Law.

Externships were especially popular. Of those taking something experiential, 83% participated in at least one externship. The largest percentage among these students chose an externship in a governmental agency (21%) or in a judicial setting (20%). Thirty-seven percent of those taking something experiential participated in at least one of Denver Law's clinics. Criminal defense (27%) and community economic development (25%) were the most popular.<sup>117</sup>

At a general level, experiential offerings provide students with hands-on opportunities. Perhaps equally important, they allow students to explore different areas or aspects of legal practice in depth, and in doing so help students think about what they actually want to do as a lawyer. We see this with a 2013 1L who said "I wanted to be

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117. Because only 12 students can participate in the Community Economic Development Clinic each year, while twice that can participate in the Criminal Defense clinic, in a sense, 25% for CEDC is the more popular clinic.

able to have field experience before graduating. I also wanted to be able to ‘try out’ different types of law before choosing what to pursue.”<sup>118</sup> A student, for instance, may be interested in trial work and thinking of applying to Colorado’s highly regarded Office of the Colorado State Public Defender. This student may participate in a criminal defense externship, but after doing so realize this is not the practice area for them.

One 2015 3/4L, for example, said his externship taught him “criminal law was not for me.” He added, that his private firm externship taught him “how much I dislike transactional work.” His clinical experience, on the other hand, “strengthen[ed] my love for civil litigation.”<sup>119</sup> Another student interested in trial work may do an externship with a government agency, but realize, as one 3/4L simply said in light of her externship experience, “I don’t want to work in a government agency.”<sup>120</sup>

As a part of the 3/4L look back questions, students who participated in one of Denver Law’s experiential offerings were asked whether those offerings helped prepare them for the kind of law they want to practice. Just over three-quarters (78%) said yes, 10% said no, and 12% said it helped them to define what they did not want to do as a lawyer.

More specifically, we asked students if a particular type of experiential course changed the kind of law they wanted to practice. Figure 4 shows that for a noticeable minority of students the answer was yes, especially for those doing an externship. We saw this for the 2015 3/4L quoted above with regard to his criminal law externship. Another 2015 3/4L found that her externship made her realize “I did not feel particular excitement about policy work.”<sup>121</sup>

Clinics, too, can provide this kind of learning experience. This was true for a 2016 3/4L who wrote: “The CED Clinic [Community Economic Development], while a beneficial experience, did cause me to reconsider whether I want to do corporate work (as I originally had an interest in).”<sup>122</sup> Even a simulation course can have this effect as it did

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118. Respondent #3056, 1L Denver Law survey (2013). *See* Denver EA Surveys, *supra* note 46.

119. Respondent #3073, 3/4L Denver Law survey (2015). *See* Denver EA Surveys, *supra* note 46.

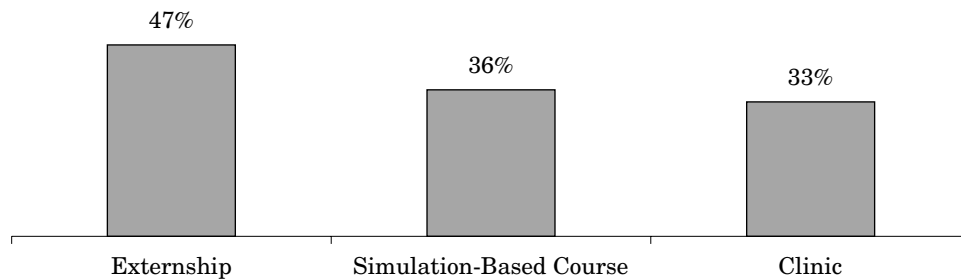
120. Respondent #3063, 3/4L Denver Law survey (2015). *See* Denver EA Surveys, *supra* note 46.

121. Respondent #3017, 3/4L Denver Law survey (2015). *See* Denver EA Surveys, *supra* note 46.

122. Respondent #2280, 3/4L Denver Law survey (2016). *See* Denver EA Surveys, *supra* note 46.

for one 2015 3/4L. With regard to her simulation course she said, “I found the work I did not like. This greatly affected where I want to work when I graduate.”<sup>123</sup>

FIGURE 4  
3/4L LOOK BACK:  
DID AN EXPERIENTIAL OFFERING CHANGE YOUR  
INTENDED PRACTICE AREA?  
% RESPONDING YES (CATEGORIES NOT MUTUALLY EXCLUSIVE)



For others, of course, the experiential learning opportunities can work the other way. This was the case for a 2016 3/4L student and his externship: “[w]orking at . . . first inspired my passion for civil rights work.”<sup>124</sup> Another 2016 3/4L had a similar experience saying, “[m]y externship at a small private immigration firm showed me that this is an area that I could do a lot of good work and pursue some of my long term goals.”<sup>125</sup> A 2015 3/4L said his clinic experience, “solidified [his] desire to be a civil rights attorney.”<sup>126</sup> For a 2015 3/4L, his clinic experience “made [him] realize [his] want to have a very community focused practice.”<sup>127</sup> It is worth noting that a simulation course can also have this effect – a 2015 3/4L “took the discovery practicum and ended up really enjoying it and was more interested in civil litiga-

123. Respondent #3055, 3/4L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

124. Respondent #2124, 3/4L Denver Law survey (2016). See Denver EA Surveys, *supra* note 46.

125. Respondent #2258, 3/4L Denver Law survey (2016). See Denver EA Surveys, *supra* note 46.

126. Respondent #3115, 3/4L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

127. Respondent #3213, 3/4L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.



tion.”<sup>128</sup> Without giving any specifics, a 2016 3/4L simply said, “found I had a new interest.”<sup>129</sup>

### C. Formation of Professional Identity

An important benefit of experiential learning is that it can support students’ professional identity formation (the third Carnegie Apprenticeship) and this is a key part of Denver Law’s program.<sup>130</sup> Here, we are not simply talking just about professional responsibility or legal ethics, but something more fundamental to what it means to be a lawyer. One of us, Thomson, once wrote, “[p]rofessionalism relates to the ethical rules (the line below which we cannot stray) as well as behaviors, such as thoroughness, respect and consideration for one’s clients and towards opposing counsel and judges, and responding to client needs in a timely fashion – the kinds of norms found in the various codes of professional responsibility.”<sup>131</sup>

Professional identity, in contrast, goes beyond the minimum standards for appropriate behavior. It goes to what it means to be a lawyer and to a more fundamental set of norms. “Professional identity relates to one’s own decisions about those behaviors . . . as well as a sense of duty as an officer of the court and responsibility as a part of a system in our society that is engaged in preserving, maintaining, and upholding the rule of law.”<sup>132</sup> Professional identity is about ends and not just means. It speaks to upholding “standards above those enforceable through a code, standards that take cognizance of a lawyer’s and the legal system’s role in achieving justice.”<sup>133</sup> As one survey respondent simply put it, “[t]hat unique and responsibility-filled place that lawyers hold in our society.”<sup>134</sup>

Students were asked if they were exposed to the idea of “professional identity” at Denver Law. Eighty-three percent of all responding

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128. Respondent #3083, 3/4L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

129. Respondent #2363, 3/4L Denver Law survey (2016). See Denver EA Surveys, *supra* note 46.

130. As noted above, Denver Law’s program is built, in part, upon the three “Carnegie Apprenticeships.” See *supra* note 12 at 27-29 and accompanying text. For more information about the Carnegie Integrated Course model see *supra* note 40 and accompanying text.

131. David I. C. Thomson, *Teaching Formation of Professional Identity*, 27 REGENT U. L. REV. 303, 315 (2014-15).

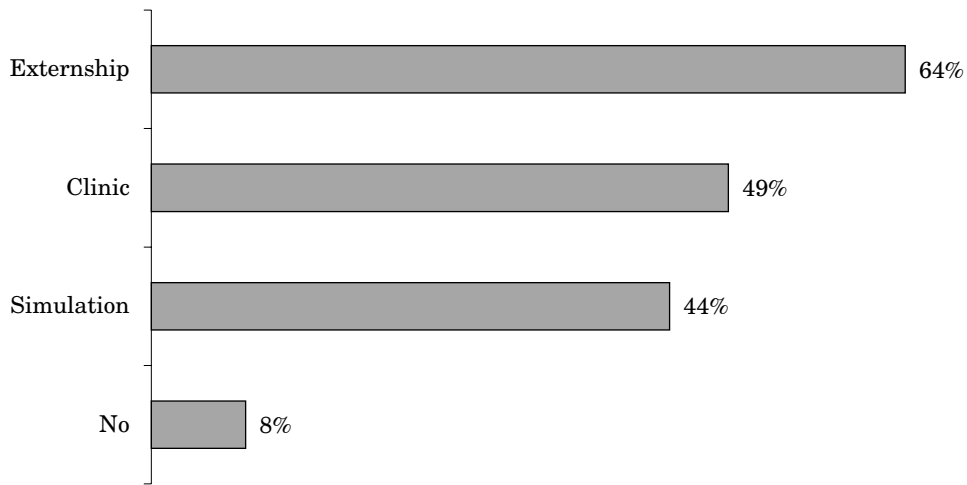
132. *Id.*

133. FRANCES ZEMANS & VICTOR ROSENBLUM, *THE MAKING OF A PUBLIC PROFESSION* 169 (1981).

134. Respondent #2317, 3/4L Denver Law survey (2016). See Denver EA Surveys, *supra* note 46.

3/4Ls said yes, they had been, and 86% of those exposed to the idea of professional identity said they had been given explicit opportunities that supported their formation of professional identity. Denver Law’s experiential offerings play a key role here as Figure 5 shows. For those who were exposed to the idea of professional identity, it presents their responses to a question asking whether the students had been exposed to an influential role model with regard to professional identity during a simulation class, a clinic, or an externship.

FIGURE 5  
 EXPOSED TO AN INLUENTIAL ROLE MODEL FOR PROFESSIONAL  
 IDENTITY: WHERE?  
 (CATEGORIES ARE NOT MUTUALLY EXCLUSIVE)



Each of the three main categories of experiential offerings exposed the 3/4Ls to an influential role model, which is crucial for the development of professional identity. As one 2015 3/4L put it, “[e]ach externship gives you infinite opportunities to decide who you want to be as an attorney, both hard and enjoyable experiences shape you in ways the classroom cannot.”<sup>135</sup> A student’s professional identity is best formed in action and experience rather than in traditional classes and externships lead the way in this survey, but clinics and simulation courses play an important role in this critical aspect of legal education as well.<sup>136</sup>

135. Respondent #3017, 3/4L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

136. Thomson, *supra* note 131, at 326.

Externships stand out because of the substantial percentage of respondents who did an externship. If we only look at the 110 respondents who said they had done an externship, 87% said they had been exposed to the idea of professional identity and 68% of them found that role model in their externship. One 3/4L found such “opportunities with the US Attorney’s Office and the Denver DA’s Office.”<sup>137</sup> Of the forty-seven respondents who participated in a clinic, 92% said they had been exposed to the idea of professional identity and 67% of them found that role model in the clinic. A 3/4L noted that her clinic professor “really stressed this idea of professional identity.”<sup>138</sup>

#### D. *The Two BIG Questions*

Finally, there are two crucial summary questions in terms of Actual Value. First, whether students believed they have been adequately and appropriately prepared to practice law; and second, whether they would choose to attend Denver Law again. On the first question, 79% of all 3/4L respondents said yes; of those who took something from among the school’s experiential offerings, 81% said yes.

Interestingly, the 21% of all 3/4L respondents who said no to the question about adequate and appropriate preparation were far less likely to say, in retrospect, that Experiential Education and the EA program should have been a reason for their having chosen to attend Denver Law. For them, the look back score (on the 100 point scale) for Experiential Education as a reason for choosing Denver Law was 49, and for EA, it was 32.

In contrast, the students who indicated they had been properly prepared to practice, the comparable scores were 77 and 69. The “not prepared” respondents were substantially less likely to have participated in a clinic (not prepared 23%, prepared 38%) or to have done an externship (not prepared 69%, prepared 85%).

As for the second question, having chosen Denver Law, would the 3/4L respondents choose Denver Law again; this is perhaps *the* ultimate look back question. We asked the question in two similar ways, and Figure 6 displays the findings. Whether phrased in terms of a student’s experience with the EA program or knowledge of Denver Law’s strength in experiential education, the answer was —overwhelmingly— yes. To provide a comparative verification, Figure 6 also

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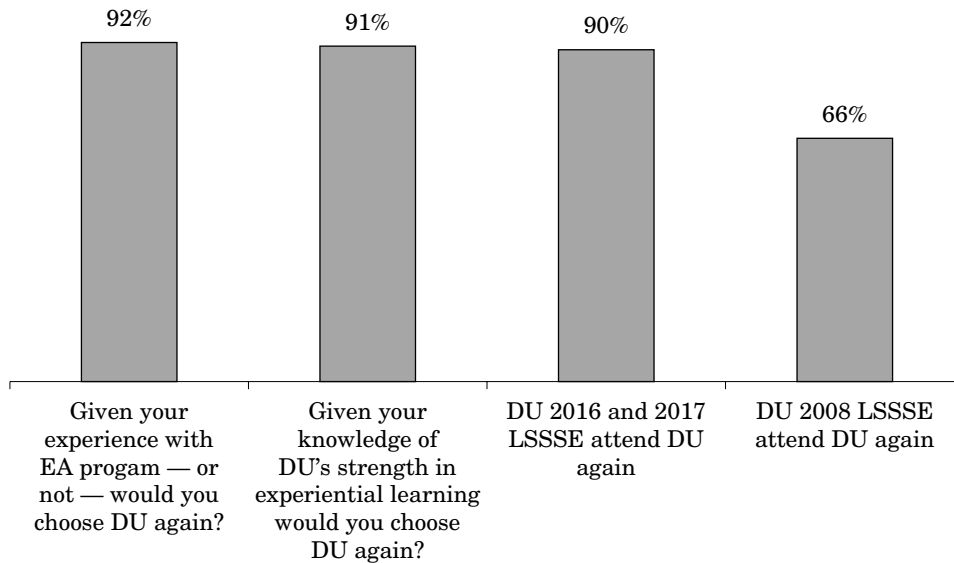
137. Respondent #3235, 3/4L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

138. Respondent #3083, 3/4L Denver Law survey (2015). See Denver EA Surveys, *supra* note 46.

includes the 3/4L responses to a more straightforward question that appeared in the 2016 and 2017 Denver Law LSSSE surveys: Would you choose to attend the same school again? Again, the overwhelming answer was also yes.<sup>139</sup>

As a point of comparison, we thought it would be helpful to compare these results back to a period before the Great Recession and the expansion of Denver Law’s experiential offerings. Accordingly, Figure 6 also includes the response to the same question for 3/4Ls in Denver Law’s 2008 LSSSE survey — when the yes responses were near their all-time low for the school. In the older 2008 survey, only two-thirds of the 3/4Ls said yes.

FIGURE 6  
WOULD YOU ATTEND DENVER LAW AGAIN? % YES



For a similar comparison of pre- and post-EA program implementation, we can again examine some 3/4L responses in Denver Law’s 2008 LSSSE survey. These questions also addressed the level of student satisfaction with the school’s performance on the Actual Value dimension. Table 4 compares responses from the 2008 LSSSE survey,

139. For the first time, the 2016 LSSSE survey asked whether a respondent would choose to pursue a law degree again. For the Denver Law 3/4Ls the responses for the 2016 and 2017 LSSSE surveys combined were: yes, 75%; no, 6%; and not sure, 19%. If we remove the not sure responses, 93% of the remaining respondents said yes. See Denver Law LSSSE, 2016, 2017 (on file with authors).

regarding questions about specific skills that are taught in the first six credits of the EA Program (the 1L required Lawyering Process class), to the combined results on the same questions for 3/4Ls in Denver Law's 2016 and 2017 LSSSE surveys.

TABLE 4.  
DENVER LAW 3/4LS ANSWERING POSITIVELY THAT SCHOOL  
CONTRIBUTED TO THE DEVELOPMENT OF CERTAIN SKILLS

Skill	Denver 2008 LSSSE	Denver 2016+2017 LSSSE
Legal research	60%	83%
Writing	58%	84%
Job-Related	41%	73%
Speaking	49%	72%

While even higher scores would be better, the picture is clear: student perception of the value of their Denver Law degree and their preparation for practice shows considerable improvement at the school during the implementation of the EA program.

#### CONCLUSION

Four starting points guided this article. First, is a pragmatic, grounded perspective that assumes there is “no magic bullet, no easy solution” to the challenges facing legal education.<sup>140</sup> Second, is the observation that legal education is not static along with an interest in law school innovation in the face of the challenges. Third, is seeing innovations as natural experiments that should be systematically explored. The different ways schools are trying to meet the challenges are important not because they will reveal a magic bullet, but because “[t]hey are the incubators of new directions *and* an exacting market proving ground . . . the source of possible solutions.”<sup>141</sup> The key is the plural — new directions and possible solutions; meaning different schools may find different paths forward. Last, though not least important, is including students in the consideration of innovation and legal education's challenges. After all, if they don't see the value and come, the lights will soon go out.

140. John R. Kramer, *Deans and Presidents: Sharing in Bankruptcy or Maybe the Cash Cow Won't be Able to Moo, The Law School and the University: The Present and the Future*, 55-65 (American Bar Association Section of Legal Education and Admissions to the Bar, Occasional Papers Series, No.6, 1993).

141. TASK FORCE, *supra* note 6, at 13-14.

Denver Law's effort is one of those natural experiments and this initial study, which focused on students, strongly suggests that "if you build it" *they will come*. Students came, knowing the debt they will incur, because they found value in an integrated curriculum that develops them as attorneys ready for practice while paying attention to the formation of professional identity. While the specifics of Denver Law's program might not work for other schools, the imperative of providing value to students who know their legal education will be costly, and who understand the contemporary job market, is an essential lesson from this study that will apply to all schools. They will, it turns out, come to a robust experiential learning program, and they will perceive a benefit from it. Further, as they graduate, they will be glad they came to that law school, and they will appreciate what it did for them in helping them to get a job and be prepared to excel in it.<sup>142</sup>

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142. "My breath escapes like air hissing from a tire. I stare down where he crouches, warming up the pitcher. My Class B catcher who played in the minors in Florida and California. My father. My dream has been fulfilled, my request granted. *I have earned this favor by the sweat of my brow and the pain of my back.*" KINSELLA, *supra* note 1, at 168 (emphasis added).

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